

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

HEWITT P. ROBERT, JR.,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 3:08-CV-329-WKW (WO)
)	
VANCE N. ABBETT, <i>in his</i>)	
<i>official and individual capacity, et al.,</i>)	
)	
Defendants.)	

ORDER

There being no objections filed to the Report and Recommendation of the Magistrate Judge (Doc. # 86), and upon an independent review of the file in this case, it is ORDERED that:

- (1) The recommendation (Doc. # 86) is ADOPTED;
- (2) The motions to amend (Docs. # 76, 85) are GRANTED;
- (3) The motions to dismiss (Docs. # 40, 41, 46, 47, 49, 51, 52, 54, 60, 63, 67, 74) are GRANTED;
- (4) The claims for malicious prosecution, the claims for Eighth Amendment violations, and the claims for declaratory and injunctive relief (*see* Doc. # 86, at 47-48) are DISMISSED without prejudice; all other federal claims are DISMISSED with prejudice;
- (5) The remaining state-law claims are DISMISSED without prejudice pursuant to 28 U.S.C. § 1367(c)(3);
- (6) The motions to strike (Docs. # 59, 80) and motion on the pleadings (Doc. # 82) are DENIED;

(7) The motion to quash service (Doc. # 49) is DENIED as moot;

(8) The motions for sanctions under Rule 11 of the Federal Rules of Civil Procedure (Docs. # 44, 46) are DENIED;

(9) All other outstanding motions are DENIED as moot.

An appropriate judgment will be entered.

DONE this 31st day of March 2009.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE